

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANGELICA PARKER,

Plaintiff,

-- against --

SCOTT BURSOR and
BURSOR & FISHER, P.A.,

Defendants.

Case No. 24-cv-245 (JGLC) (RFT)

NOTICE OF APPEAL

Notice is hereby given that, pursuant to Federal Rules of Appellate Procedure 3 and 4 and the collateral order doctrine, *see Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541, 546 (1949), Defendants Scott Bursor and Bursor & Fisher, P.A, appeal to the United States Court of Appeals for the Second Circuit from those portions of the Opinion and Order of March 31, 2025 (ECF No. 345, pp. 9-11, 29-30),¹ entered by the Honorable Jessica G.L. Clarke, denying Defendants' Motion to Seal the Complaint and related documents referencing allegations in the Complaint, and adopting Magistrate Judge Tarnofsky's Report & Recommendation in part over Defendants' objections.

The Order is a final order and immediately appealable under the collateral order doctrine because it conclusively determines a disputed question—whether the allegations in the Complaint and associated Docket Entries should remain sealed—that is completely separate from the merits of the action and is effectively unreviewable on appeal from a final judgment. *See United States*

¹ Pursuant to Fed. R. App. P. 3(c)(4), this Notice of Appeal encompasses orders that merge into the district court's March 31, 2025 Opinion and Order, including the district court's July 11, 2024 Order (ECF No. 95), which terminated Defendants' initial motion for a preliminary injunction and temporary restraining order requesting that Plaintiff be required to file her Complaint under seal.

v. HSBC Bank USA, N.A., 863 F.3d 125, 133-34 (2d Cir. 2017) (holding that unsealing orders are immediately appealable under the collateral order doctrine).²

Dated: March 31, 2025

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² Sister Circuits are in accord. *See, e.g., United States v. Doe*, 962 F.3d 139 (4th Cir. 2020); *Vantage Health Plan, Inc. v. Willis-Knighton Med. Ctr.*, 913 F.3d 443 (5th Cir. 2019); *Rudd Equip. Co. v. John Deere Constr. & Forestry Co.*, 834 F.3d 589 (6th Cir. 2016); *Oliner v. Kontrabecki*, 745 F.3d 1024 (9th Cir. 2014); *Callahan v. United Network for Organ Sharing*, 17 F.4th 1356 (11th Cir. 2021); *Apple Inc. v. Samsung Elecs. Co.*, 727 F.3d 1214 (Fed. Cir. 2013).